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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

CURTIS L. SMITH

VERSUS

WARDEN AVOYELLES CORR. CTR.

6:0600567
CIVIL ACTION NO. 6:04CV0567
JUDGE MELANÇON
MAG. JUDGE METHVIN

CERTIFICATE OF APPEALABILITY

A final order having been filed in the above-captioned habeas case, the court, considering the record in this case and the requirements of 28 U.S.C. § 2253, hereby finds that:

- The certificate of appealability is DENIED because the applicant has failed to demonstrate a substantial showing of the denial of a constitutional right.
- The certificate of appealability is GRANTED for the below reasons:

The applicant has made a substantial showing that the following issues constitute a denial of a constitutional right:

DENIED
the complaint of the Court
was amended by the Court
after vacating the
original judgment
on November 8
2006 [REC'DOC 13].

Signed at Lafayette, Louisiana, this 16th day of November, 2006.


TUCKER L. MELANÇON
UNITED STATES DISTRICT JUDGE